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Attorneys for Defendants/Counterclaim-Plaintiffs

Apotex Inc. and Apotex Corp.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BRISTOL-MYERS SQUIBB COMPANY,)
Plaintiff/Counterclaim-Defendant,)
v.)
APOTEX INC. and APOTEX CORP.,)
Defendants/Counterclaim-Plaintiffs.)
) Civil Action No. 3:10-cv-05810
) (MLC) (LHG)
) (consolidated with Civil Action
No. 3:11-cv-6918 (MLC) (LHG))
)
**DEFENDANTS' NOTICE OF
MOTION FOR SUMMARY
JUDGMENT THAT PLAINTIFF
LACKS A RECOVERABLE
REMEDY FOR ITS
INFRINGEMENT COUNTS AS TO
U.S. PATENT NO. 7,491,725**
)
DOCUMENT ELECTRONICALLY FILED

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that pursuant to the Amended Scheduling Order [ECF No. 185], on the **27th** day of **August, 2013**, Defendants/Counterclaim-Plaintiffs Apotex, Inc. and

Apotex Corp. (collectively, "Defendants") will appear before the Honorable Mary L. Cooper, United States District Judge, sitting at the U.S. District Court for the District of New Jersey, Clarkson S. Fisher Federal Building & Courthouse, 402 East State Street, Trenton, New Jersey 08608, and will move this Court pursuant to Federal Rule of Civil Procedure 56 and L. Civ. R. 56.1 for an Order entering judgment that Plaintiff Lacks a Recoverable Remedy for Its Infringement Counts As To U.S. Patent No. 7,491,725.

PLEASE TAKE FURTHER NOTICE THAT in support of this motion, Defendants shall rely upon the accompanying Brief, Defendants' Local Civil Rule 56.1 Statement of Material Facts Not in Dispute in Support of Their Motion for Summary Judgment that Plaintiff Lacks a Recoverable Remedy for its Infringement Counts As To U.S. Patent No. 7,491,725, the Declaration of Tara M. Raghavan with exhibit(s) thereto submitted concurrently herewith, any Reply papers submitted, and oral argument, if any. A proposed form of Order is also submitted for the Court's consideration.

Respectfully submitted,

SAIBER LLC
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